

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JAMES DOCKERY,

Plaintiff,

v.

Case No. 22-CV-11507

Nancy G. Edmunds  
United States District Judge

David R. Grand  
United States Magistrate Judge

DAVID SZYMANSKI, *et al.*,

Defendants.

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**ORDER ACCEPTING AND ADOPTING MAGISTRATE JUDGE'S REPORT AND  
RECOMMENDATION [45]**

This matter is before the Court on the Magistrate Judge's January 24, 2023 Report and Recommendation. (ECF No. 45.) The Magistrate Judge recommends that the Court grant the Motions to Dismiss filed by the County Defendants and Brad Thompson (ECF Nos. 16, 19) and grant in part and deny in part the City Defendants' Motion to Dismiss (ECF No. 11), denying the motion as it relates to Plaintiff's Fourth Amendment illegal seizure claim against Jill Bryant, and granting the motion in all other respects.<sup>1</sup> In addition, the Magistrate Judge recommends dismissing Plaintiff's complaint as to Defendants David Szymanski and Warren Evans for lack of subject matter jurisdiction. (ECF No. 45, PageID.754 n. 1.) No objections have been filed. "[T]he failure to object to the magistrate

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<sup>1</sup> Defendants Rich Vivian, Saskia Thompson, and Detroit Land Bank Authority joined the City Defendants' Motion to Dismiss. (ECF Nos. 15, 22.)

judge's report[] releases the Court from its duty to independently review the matter." *Hall v. Rawal*, 09-10933, 2012 WL 3639070, at \*1 (E.D. Mich. Aug. 24, 2012) (citing *Thomas v. Arn*, 474 U.S. 140 (1985)). Nevertheless, the Court has reviewed the pleadings and relevant authority and finds it agrees with the Magistrate Judge's reasoning and conclusions.

The Court therefore **ACCEPTS and ADOPTS** the Magistrate Judge's report and recommendation (ECF No. 45). The Motions to Dismiss filed by the County Defendants (the County of Wayne and Wayne County Treasurer Eric Sabree) and Brad Thompson (ECF Nos. 16, 19) are **GRANTED**. The City Defendants' (City of Detroit, Jill Bryant, and Mike Duggan) Motion to Dismiss (ECF No. 11) is **DENIED IN PART** as to Plaintiff's Fourth Amendment illegal seizure claim against Jill Bryant and **GRANTED IN PART** in all other respects, including as to all claims against Defendants Rich Vivian, Saskia Thompson, and Detroit Land Bank Authority, who joined the motion. Furthermore, Defendants David Szymanski and Warren Evans are hereby **DISMISSED** from this action for lack of subject matter jurisdiction.

**SO ORDERED.**

s/Nancy G. Edmunds  
Nancy G. Edmunds  
United States District Judge

Dated: February 13, 2023

I hereby certify that a copy of the foregoing document was served upon counsel of record on February 13, 2023, by electronic and/or ordinary mail.

s/Lisa Bartlett  
Case Manager